

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1072**  
**96TH GENERAL ASSEMBLY**

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Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 3, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4051S.03C

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**AN ACT**

To amend chapter 191, RSMo, by adding thereto six new sections relating to the volunteer health services act.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto six new sections, to be known as sections 191.1100, 191.1102, 191.1104, 191.1106, 191.1110, and 191.1112, to read as follows:

**191.1100. 1. Sections 191.1100 to 191.1112 shall be known and may be cited as the "Volunteer Health Services Act".**

**2. As used in sections 191.1100 to 191.1112, the following terms shall mean:**

**(1) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental health professional, or other practitioner of a health care discipline, the professional practice of which requires licensure or certification under state law or under comparable laws of another state, territory, district, or possession of the United States;**

**(2) "Licensed health care provider", any health care provider holding a current license or certificate issued under:**

**(a) Missouri state law;**

**(b) Comparable laws of another state, territory, district, or possession of the United States;**

**(3) "Regularly practice", to practice more than sixty days within any ninety-day period;**

**(4) "Sponsoring organization", any organization that organizes or arranges for the voluntary provision of health care services and**

19 registers with the department of health and senior services as a  
20 sponsoring organization in accordance with section 191.1106, and  
21 charges clients on a sliding scale based on income;

22 (5) "Voluntary provision of health care services", the providing  
23 of professional health care services by a health care provider without  
24 charge to a recipient of the services or a third party.

191.1102. 1. Notwithstanding any provision of law to the  
2 contrary, no additional license or certificate otherwise required by  
3 state law is necessary for the voluntary provision of health care  
4 services by any person who:

5 (1) Is a licensed health care provider;

6 (2) Lawfully practices under an exception to the licensure or  
7 certification requirements of any state, territory, district, or possession  
8 of the United States; provided that the person does not and will not  
9 regularly practice in the state of Missouri.

10 2. The provisions of subsection 1 of this section shall not apply  
11 to:

12 (1) Any person whose license or certificate is suspended or  
13 revoked under disciplinary proceedings in any jurisdiction; or

14 (2) A licensed health care provider who renders services outside  
15 the scope of practice authorized by the provider's licensure,  
16 certification, or exception to such licensure or certification.

191.1104. With regard to a person who voluntarily provides  
2 health care services and who is covered by the provisions of subsection  
3 1 of section 191.1102, all requirements regarding display of a license or  
4 certificate shall be satisfied by the presentation for inspection, upon  
5 request, of a photocopy of the applicable license, certificate, or  
6 statement of exemption.

191.1106. 1. Before providing volunteer medical services in this  
2 state, a sponsoring organization shall register with the department of  
3 health and senior services by submitting a registration fee of fifty  
4 dollars and filing a registration form. The registration fee shall not  
5 apply to any sponsoring organization when providing volunteer health  
6 care services in cases of natural or manmade disasters. Such  
7 registration form shall contain:

8 (1) The name of the sponsoring organization;

9 (2) The name of the principal individual or individuals who are

10 the officers or organization's officials responsible for the operation of  
11 the sponsoring organization;

12 (3) The address, including street, city, zip code, and county, of  
13 the sponsoring organization's principal office address and the same  
14 address information for each principal or official listed in subdivision  
15 (2) of this subsection;

16 (4) Telephone numbers for the principal office of the sponsoring  
17 agency and each principal or official listed in subdivision (2) of this  
18 subsection; and

19 (5) Such additional information as the department shall require.  
20 Upon any change in the information required under this subsection, the  
21 sponsoring organization shall notify the department in writing of such  
22 change within thirty days of its occurrence.

23 2. The sponsoring organization shall file a quarterly voluntary  
24 services report with the department during the current quarter that  
25 lists all licensed health care providers who provided voluntary health  
26 care services during the preceding quarter. The sponsoring  
27 organization shall maintain on file for five years following the date of  
28 service additional information, including the date, place, and type of  
29 services provided.

30 3. Each sponsoring organization shall maintain a list of health  
31 care providers associated with its provision of voluntary health  
32 services. For each such health care provider, the organization shall  
33 maintain a copy of a current license, certificate, or statement of  
34 exemption from licensure or certification, or in the event that the  
35 health care provider is currently licensed in the state of Missouri, a  
36 copy of the health care provider's license verification obtained from a  
37 state-sponsored website, if available.

38 4. The sponsoring organization shall maintain such records for  
39 a period of at least five years following the provision of health care  
40 services and shall furnish such records upon request to any regulatory  
41 board of any healing arts profession established under state law.

42 5. Compliance with subsections 1 and 2 of this section shall be  
43 prima facie evidence that the sponsoring organization has exercised  
44 due care in its selection of health care providers.

45 6. The department may revoke the registration of any sponsoring  
46 organization that fails to comply with the requirements of this section.

191.1110. 1. (1) No person who is licensed, certified, or authorized by the board of any of the professions of the healing arts or board of nursing and who, while exercising ordinary care, engages in the voluntary provision of health care services within the limits of the person's license, certificate, or authorization to any patient of a sponsoring organization shall be liable for any civil damages for any act or omission resulting from the rendering of such services.

(2) The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from any person for the free care. Nor shall such service be a part of the provider's training or assignment.

(3) The volunteer licensee shall be acting within the scope of such license, certification, or authority.

(4) A health care licensee providing free health care shall not engage in activities at a clinic, or at the health care licensee's office, if the activities are performed on behalf of the sponsoring organization, unless such activities are authorized by the appropriate authorities to be performed at the clinic or office and the clinic or office is in compliance with all applicable regulations.

2. For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States Armed Forces and assigned to duty as a practicing, commissioned, or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed.

191.1112. 1. For purposes of this section, the following terms shall mean:

(1) "Crisis intervention", a session at which crisis response services are rendered by a critical incident stress management team member or qualified mental health professional during or after a crisis or disaster;

(2) "Crisis response services", consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team or qualified mental health professional or paraprofessional trained within the Federal Emergency Management Agency (FEMA) Crisis Counseling Program or in psychological first aid

12 to individuals affected by crisis or disaster;

13 (3) "Critical incident stress management team member" or "team  
14 member", an individual specially trained to provide crisis response  
15 services as a member of an organized community or local crisis  
16 response team that holds membership in a registered critical incident  
17 stress management team;

18 (4) "Registered team", a team formally registered with a  
19 recognized training agency. For purposes of this section, a recognized  
20 training agency shall include the International Critical Incident Stress  
21 Foundation, the National Organization for Victim Assistance, the  
22 National Red Cross, the Missouri department of mental health, and  
23 other such organizations;

24 (5) "Training session", a session providing crisis response  
25 training by a qualified trained trainer utilizing the standards  
26 established by the accrediting agencies set out in subdivision (4) of this  
27 subsection;

28 (6) "Volunteer", a person who serves and receives no  
29 remuneration for services except reimbursement for actual expenses.

30 2. (1) Any volunteer crisis response team member who, while  
31 exercising ordinary care, participates in a crisis intervention shall not  
32 be liable in tort for any personal injuries or infliction of emotional  
33 distress of any participant to the crisis intervention that is caused by  
34 the act or omission of a crisis response team member during the course  
35 of a crisis intervention.

36 (2) Subdivision (1) of this subsection shall not apply unless the  
37 intervention or training is conducted within generally accepted  
38 protocols of a registered team, as defined by a nationally recognized  
39 accrediting agency.

40 3. The tort immunity in subsection 2 of this section shall not  
41 apply if:

42 (1) The team member acted with actual malice or willful intent  
43 to injure the subject;

44 (2) The team member acted outside the scope of assigned duties;

45 (3) The team member acted without team coordination and  
46 dispatch;

47 (4) The action involved the commission of a crime;

48 (5) The action involved sexual harassment, or sexual or physical

49   **abuse;**

50           **(6) The actions involved any form of moral turpitude or moral**  
51   **misconduct within the normally accepted community standards; or**

52           **(7) If damages resulted from gross negligence of the team**  
53   **member.**

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